

HOUSE BILL 870

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to inappropriate involvement of nurses
with controlled substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by adding the following as a new section to be appropriately designated:

(a) In order to protect the public health and safety, with respect to any person required to be licensed, permitted, certified, or authorized under this chapter by the board of nursing, the department acting through the chief medical officer of the department of health or the designee of the chief medical officer may issue an emergency order suspending or restricting the license of a nurse who tests positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test, as defined in § 50-9-103, for a covered employer, as defined in § 50-9-103, when the nurse does not have a lawful prescription and legitimate medical reason for using the drug. The nurse shall be given forty-eight (48) hours from the time of notification to the nurse of the confirmed test result to produce a lawful prescription for the drug before an emergency order is issued.

(b) Any drug test used for action pursuant to subsection (a) shall comply with the requirements of title 50, chapter 9.

(c) The commissioner of health is authorized to promulgate rules to effectuate the purposes of this section. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by adding the following as a new section to be appropriately designated:

A quality improvement committee, as defined in § 63-1-150, may share information concerning substance abuse by a nurse licensed under this chapter with another quality improvement committee pursuant to § 63-1-150(d)(3) or § 68-11-272(c)(3) in furtherance of the functions of the committees.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by adding the following as a new section to be appropriately designated:

For purposes of § 4-5-320(c), the public health, safety, and welfare imperatively require emergency action by the department of health or the board at any time that a nurse licensed under this chapter fails a confirmed drug test pursuant to Section 1 or engages in conduct with respect to use, possession, or diversion of controlled substances, as defined by § 39-17-402, that may reasonably affect the health and safety of patients or the public at large. Notwithstanding any rule or policy of the board or the department of health, emergency action by the department or the board under § 4-5-320(c) shall not require the prior approval of the attorney general and reporter.

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it.